

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DIANNA LYSIUS,

Plaintiff

-against-

ORDER
21 CV 7001 (DG)(LB)

NYC LAW DEPT., PHILIPPE KNABB,
HOLLY ONDAAN, CARMELYN P. MALALIS,
ZOEY CHENITZ, NERMINA ARNAUD,
SAPNA RAJ, JOHN B SPONNER, CITY OF
NEW YORK, and NEW YORK CITY
COMMISSION ON HUMAN RIGHTS,

Defendants.

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BLOOM, United States Magistrate Judge:

Pursuant to the Court’s July 27, 2022 Order, the Office of Corporation Counsel states it will “oppose the Amended Complaint on behalf of the City of New York (‘City’), including each named City agency, and on behalf of each current or former City employee named in the” Amended Complaint “all of whom have provided consent for our office to waive service and respond on their behalf.” ECF No. 24.¹ Defendants also propose a briefing schedule for their anticipated motion to dismiss,² which plaintiff objects to. Id.

The Court sets the following briefing schedule for defendants’ motion to dismiss: the City defendants shall file their motion to dismiss on October 14, 2022; plaintiff shall file her opposition to the motion by November 14, 2022; if necessary, defendants’ reply shall be filed by November 30, 2022.

¹ Plaintiff’s letter dated August 17, 2022 requests additional time to serve defendants. However, as the Office of the Corporation Counsel has waived or accepted service of the Amended Complaint on behalf of all the City defendants, there is no need for plaintiff to serve these defendants. As to defendant Ondaan, plaintiff has until October 13, 2022 to serve the Amended Complaint on this defendant and file proof of service under Fed. R. Civ. P. 4(m). Therefore plaintiff’s request for an extension of time is denied.

² Defendants are permitted to move to dismiss in lieu of filing an answer under Fed. R. Civ. P. 12(b).

The Court is concerned with plaintiff's references to suicide in her letter. The Court urges Ms. Lysius to seek assistance from a mental health care provider.

SO ORDERED.

/S/
LOIS BLOOM
United States Magistrate Judge

Dated: August 22, 2022
Brooklyn, New York